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Attorneys for Defendants,
Wachovia Bank, N.A., Evergreen Investment
Management Company, LLC, Tattersall
Advisory Group and Wells Fargo & Co.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY – NEWARK VICINAGE

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TRUSTEES OF THE LOCAL 464A :
UNITED FOOD AND COMMERCIAL : Civil Action No: 2:09-cv-668-WJM-MF
WORKERS UNION PENSION FUND, :
TRUSTEES OF THE LOCAL 464A :
FINAST PENSION FUND, TRUSTEES :
OF THE LOCAL 464A OFFICERS, :
BUSINESS REPRESENTATIVES & : **DEFENDANTS’ MOTION TO DISMISS**
OFFICE EMPLOYEES RETIREMENT :
PLAN, TRUSTEES OF THE LOCAL :
464A WELFARE AND PENSION :
BUILDING FUND, and the OFFICERS :
OF UFCW LOCAL 464A, :
Plaintiffs, :
v. :
WACHOVIA BANK, N.A., :
EVERGREEN INVESTMENT :
MANAGEMENT COMPANY, LLC, :
TATTERSALL ADVISORY GROUP and :
WELLS FARGO & CO., :
Defendants. :

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PLEASE TAKE NOTICE THAT on Monday, the 18th of May, 2009, at 9:00 a.m., or as soon thereafter as counsel may be heard, Reed Smith LLP, counsel for Defendants Wachovia Bank, N.A., Evergreen Investment Management Company, LLC, Tattersall Advisory Group and Wells Fargo & Company, shall move before the Court for an Order dismissing Plaintiffs' Complaint in the above-captioned matter for the failure to state a claim pursuant to *Fed. R. Civ. P.* 12(b)(6) and other grounds, as set forth in the moving papers.

PLEASE TAKE FURTHER NOTICE that in support of this Motion, the Defendants shall rely upon their Brief in Support of the Motion and the Certification of Thomas L. Allen, Esquire, with attachments, both being filed contemporaneously herewith. A proposed form of Order is also being filed. Oral argument is respectfully requested.

s/ Diane A. Bettino
Diane A. Bettino, Esquire

Dated: April 17, 2009